

AMENDED IN ASSEMBLY AUGUST 7, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

Assembly Joint Resolution

No. 43

Introduced by Assembly Member Lara

July 2, 2012

Assembly Joint Resolution No. 43—Relative to ~~a lesbian, gay, bisexual, transgender, and queer bill of rights~~ *sexual orientation and gender identity*.

LEGISLATIVE COUNSEL’S DIGEST

AJR 43, as amended, Lara. ~~Lesbian, gay, bisexual, transgender, and queer bill of rights.~~ *Sexual orientation and gender identity*.

This measure would make findings concerning discrimination against lesbian, gay, bisexual, transgender, and queer individuals, and would call upon Congress and the President of the United States to pass ~~an American bill of rights~~ *legislation* that *expressly* includes sexual orientation and gender identity in *all* federal antidiscrimination ~~law~~ *laws*.

Fiscal committee: no.

- 1 WHEREAS, The United States was founded as a democratic
- 2 nation, and our country’s Declaration of Independence states that,
- 3 “All men are created equal”; and
- 4 WHEREAS, A central ~~tenent~~ *tenet* of the law of the United
- 5 States is the principle of equal protection and nondiscrimination
- 6 under the law; and
- 7 WHEREAS, This promise of equality can be fulfilled through
- 8 actions by courageous individuals, organizations, and coalitions

1 who choose to stand up for their rights and the rights of others;
2 and

3 WHEREAS, Through successful movements and hard fought
4 struggles, ~~under current law, the status of “race~~ *federal statutes*
5 *protect against discrimination based on race, color, sex, national*
6 *origin, and religion” is protected from discrimination by the United*
7 ~~States government under federal laws, including~~ *disability, age,*
8 *and religion, among other characteristics, under the Civil Rights*
9 *Act of 1964, the Equal Credit Opportunity Act, the Family and*
10 *Medical Leave Act, and the Fair Housing Act, among other federal*
11 *laws; and*

12 WHEREAS, ~~The lesbian, gay, bisexual, transgender, and queer~~
13 ~~(LGBTQ) community is not included~~ *Sexual orientation and*
14 *gender identity are not expressly listed in these federal*
15 *antidiscrimination laws and, as a result, in many parts of the*
16 *country, the LGBTQ the lesbian, gay, bisexual, and transgender*
17 *community is left vulnerable and without access to faces difficulty*
18 *in obtaining some of the most basic protections and benefits under*
19 *the law; and*

20 WHEREAS, ~~The Civil Rights Act of 1964 does not protect~~
21 ~~persons on the basis of sexual orientation or gender identity,~~
22 ~~therefore under that act, it can be lawful~~ *protects against*
23 *discrimination on the basis of race, color, national origin, sex,*
24 *and religion, making it unlawful to terminate, refuse to hire or fire,*
25 *or otherwise discriminate with respect to compensation, segregate,*
26 *harass, deprive of employment opportunities, or otherwise*
27 *adversely affect the status as an employee on the basis of sexual*
28 *orientation or gender identity the terms and conditions of*
29 *employment, but does not expressly list sexual orientation or*
30 *gender identity as protected characteristics; and*

31 WHEREAS, ~~The Equal Credit Opportunity Act does not protect~~
32 ~~on the basis of sexual orientation or gender identity, therefore~~
33 ~~under that act, it can be legal to consider sexual orientation and~~
34 ~~gender identity~~ *protects against discrimination on the basis of*
35 *race, color, religion, national origin, sex, marital status, and age*
36 *when deciding whether to grant a loan or to impose different terms*
37 *and conditions of a loan, including higher interest rates or higher*
38 *fees, but does not expressly list sexual orientation or gender*
39 *identity among the protected characteristics; and*

1 WHEREAS, The Family and Medical Leave Act ~~does not protect~~
2 ~~Persons on the basis of sexual orientation or gender identity,~~
3 ~~therefore under that act, same-sex families can be excluded from~~
4 ~~accessing an array of benefits, including, but not limited to, time~~
5 ~~off for the birth of a child, or to care for an ailing spouse~~ *entitles*
6 *eligible employees to take job-protected leave to care for an ailing*
7 *spouse but does not expressly include domestic partners or*
8 *members of civil unions; and*

9 WHEREAS, The Fair Housing Act ~~does not protect persons on~~
10 ~~the basis of sexual orientation or gender identity, therefore under~~
11 ~~that act, it may be legal to refuse to rent or sell housing, falsely~~
12 ~~deny that housing is available for sale or rent, or set different terms,~~
13 ~~conditions, or privileges for sale or rental of a dwelling to those~~
14 ~~in the LGBTQ community~~ *prohibits discrimination in the sale,*
15 *rental, and financing of dwellings, and in other housing-related*
16 *transactions, based on race, color, national origin, religion, sex,*
17 *familial status, and disability, but does not expressly list sexual*
18 *orientation or gender identity among the protected characteristics;*
19 *and*

20 WHEREAS, While there have been recent gains in federal
21 protections; *and* temporary gains from executive orders, ~~and~~
22 ~~piecemeal protections in various states,~~ nothing can match the
23 safeguards, symbolism, and promise of equality for all people like
24 the inclusion of ~~“sexual sexual orientation and gender identity”~~
25 *identity alongside “race, race, color, sex, national origin, and*
26 *religion” religion, age, and disability in these our country’s*
27 *landmark federal antidiscrimination acts; and*

28 WHEREAS, As with any historical movement, it will take a
29 broad coalition of individuals, allies, and organizations who believe
30 in equality to advance this urgent call for justice; and

31 WHEREAS, Together, this coalition can strive to ~~rebut~~
32 ~~homophobia and transphobia~~ *eliminate discrimination based on*
33 *sexual orientation and gender identity* with the full force of official
34 United States government policy and the full enforcement power
35 of the ~~United States Department of Justice~~ *federal government;*
36 *now, therefore, be it*

37 *Resolved by the Assembly and the Senate of the State of*
38 *California, jointly,* That the Legislature calls upon Congress and
39 the President of the United States to pass ~~a law, an American bill~~
40 ~~of rights,~~ *legislation to expressly include “sexual sexual orientation*

1 and gender-identity” *identity* in all laws of the United States created
2 to end discrimination in this country; and be it further
3 *Resolved*, That the Chief Clerk of the Assembly transmit copies
4 of this resolution to the President of the United States, to each
5 Senator and Representative in the Congress of the United States,
6 and to the presiding officer of each house of each state legislature
7 of the several states.